

COMMONWEALTH OF VIRGINIA

SERV



FAUQUIER CIRCUIT COURT
Civil Division
40 CULPEPER ST CLERK'S OFFICE: 29 ASHBY ST
WARRENTON VA 20186
(540) 422-8100

Summons

To: WALMART INC
SERVE: CT CORPORATION SYSTEM
4701 COX ROAD, STE 285
GLEN ALLEN VA 23060

Case No. 061CL21000187-00

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment, or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia on, Wednesday, March 30, 2022

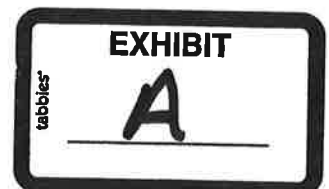
Clerk of Court: GAIL H. BARB

by Rachel Gincer
(CLERK/DEPUTY CLERK)

Instructions: COMPLAINT

Hearing Official:

Attorney's name: THOMAS, ANDREW; ESQ
28 BLACKWELL PARK LANE #104
WARRENTON VA 20186



VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

PAUL W. SMITH, JR.,

Plaintiff,

v.

Case No.: —

CL21-187

WALMART, INC.,

SERVE: CT CORPORATION SYSTEM
Registered Agent
4701 Cox Road Suite 285
Glen Allen VA 23060-6808
(Henrico County)

And

WAL-MART STORES EAST, LP,

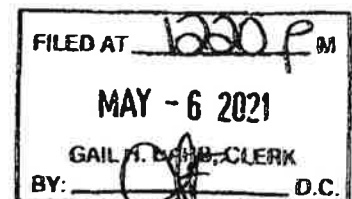
SERVE: CT CORPORATION SYSTEM
Registered Agent
4701 Cox Road Suite 285
Glen Allen VA 23060-6808
(Henrico County)

Defendants.

COMPLAINT

The Plaintiff, Paul W. Smith, Jr., by counsel, hereby moves for judgment against Defendants Walmart, Inc., and Wal-Mart Stores East, LP on the grounds and in the amount as hereinafter set forth:

1. Plaintiff Paul W. Smith, Jr. (hereinafter referred to as "Plaintiff") is a natural person residing in Fauquier County, Virginia.
2. Defendants Walmart, Inc., and Wal-Mart Stores East, LP (collectively referred to as "WalMart") are business entities which operate a retail store doing business as Wal-Mart located on 700 James Madison Highway, Warrenton, in Fauquier County, Virginia.



3. On May 10, 2019, Plaintiff was lawfully on the premises of said retail store for the purpose of shopping. Plaintiff was buying an outdoor grill, which was located on an upper shelf. While in the scope of employment, an employee of WalMart attempted to retrieve the grill from the upper shelf location. While manually removing the grill from the shelf, the employee lost control of it and dropped it on Mr. Smith's head, neck, and right shoulder. The grill weighed roughly 120 pounds.

4. At that time and place, WalMart through its employee had a duty to use ordinary care when moving, lifting, or transporting merchandise in order to maintain the safety of its customers and other business invitees.

5. Notwithstanding said duty, WalMart through its employee negligently attempted to lift and move the grill so that it was caused to fall on the Plaintiff. WalMart was negligent in that:

- (a). the employee dropped the grill;
- (b). the employee attempted to move the 120 pound grill from the shelf without the assistance of other employees or any assisting device;
- (c). the employee attempted to move the grill from the shelf without first clearing the area of customers in the immediate vicinity; and
- (d). the employee otherwise failed to follow Defendant's safety protocol and procedures in place.

6. WalMart was negligent through the actions of its employee taken while in the scope of employment.

7. As a direct and proximate result thereof, Plaintiff sustained serious and permanent injuries, has suffered and will continue to suffer great pain of body and mind;


has sustained permanent disability, has incurred and will incur in the future hospital, doctors and related bills in an effort to be cured of said injuries.

WHEREFORE, Plaintiff requests judgment against the Defendants, Walmart, Inc., and Wal-Mart Stores East, LP, in the sum of NINE HUNDRED FIFTY THOUSAND DOLLARS (\$950,000.00) in compensatory damages, his costs expended, and interest as allowed by law, computed from May 10, 2019.

REQUEST FOR TRIAL BY JURY

Plaintiff respectfully requests a trial by jury.

PAUL W. SMITH, JR.
By Counsel


ANDREW K. THOMAS, ESQ.
V.S.B. No. 34826
Counsel for the Plaintiff
Dulaney, Lauer and Thomas, L.L.P.
28 Blackwell Park Lane #104
Warrenton, VA 20186
(540) 341-0007 (T)
(540) 349-2640 (F)
athomas@dulaneylauerthomas.com